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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/260,802	03/02/1999	STEVEN M. HOFFBERG	3459-11	6940
10037	7590	10/06/2004	[REDACTED]	EXAMINER
MILDE & HOFFBERG, LLP				VOELTZ, EMANUEL T
10 BANK STREET			[REDACTED]	ART UNIT
SUITE 460				PAPER NUMBER
WHITE PLAINS, NY 10606				2121

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/260,802	HOFFBERG ET AL. <i>[Signature]</i>
	Examiner Emanuel T. Voeltz	Art Unit 2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 08 June 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-122 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 35-65 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) 1-34 and 66-122 are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |



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Examiner's Detailed Office Action

This action is in response to an amendment filed on June 8, 2004.

Claims **1-114** are present in this application of which claims **35-65** have been examined.

Claims **1-34** and **66-114** remain under a restriction requirement (*see below*).

Restriction

Claims **1-34** and **66-114** are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. **11**, dated **March 26, 2002**. Further, the Petition for Rescission of the Restriction Requirement, dated **August 13, 2003** has been considered at this time as a further argument for traversal of the Restriction Requirement made by the previous examiner. The Petition for Rescission of the Restriction Requirement has been placed into the application at this time. No further consideration is required at this time.

Further, applicant has failed to demonstrate how claims 66 and 55 are linked together. If you take a look at each of the claims, the claimed limitations are significantly different. No linkage can be seen between these claims.

Exemplary claims 55 and 66:

Claim 55,

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An apparatus, comprising:

means for automatically generating a user-specific profile representing an interest summary based on a history of access to objects; and

a memory for persistently storing the user profile.

Claim 66,

A system comprising:

means for receiving subscriber specific data;

means for receiving program control information; and

program selection means, operably connected to *the storing means* (Lacks proper antecedent basis) and the receiving means, for selecting one or more programs using the user subscriber specific information and the program control information.

Claim 55 sets forth “means for automatically generating...” while claim 66 sets forth “means for receiving...”, where is the link between these claims? Further claim 66 has issues with proper antecedent basis, thus there is no linkage between the two claims.

Also, the same analysis is applied to claims 47 and 92 as far as any linkage between these claims.

Thus, the same analysis is applied to claims 55 and 113 as far as any linkage between these claims.

Finally, if there is no linkage set forth between claims 55 & 66, 47 & 92, and 55 & 113 there cannot be any linkage with new claims 120, 121, and 122 as argued by applicant.

At this time, the Restriction Requirement as set forth by the previous examiner is being held as proper and the pending claims, namely 35-65, of the instant patent application are being considered at this time.

Interference

Patent Claims vs. Count Claims

Claims **35-39** [Count #1] of this application are asserted by applicant to correspond to claim(s) of U.S. Patent No. **5,724,567, Rose et al.**

Claims **40-46** [Count #2] of this application are asserted by applicant to correspond to claim(s) of U.S. Patent No. **5,758,257, Herz et al.**

Claims **47-57 & 58-65** [Counts #3 & #4] of this application are asserted by applicant to correspond to claim(s) of U.S. Patent No. **5,754,939, Herz et al.**

Claims **66-91 & 92-100** [Counts # 5 & #6] of this application are asserted by applicant to correspond to claim(s) of U.S. Patent No. **5,798,785, Hendricks et al.**

Claims **101-107** [Count # 7] of this application are asserted by applicant to correspond to claim(s) of U.S. Patent No. **5,867,205, Harrison.**

Claims **108-112** [Count #8] of this application are asserted by applicant to correspond to claim(s) of U.S. Patent No. **5,867,118, McCoy et al.**

Claims **113-114** [Count #9] of this application are asserted by applicant to correspond to claim(s) of U.S. Patent No. **6,163,316, Killian.**

It is stated in the M.P.E.P. Section **2307**:

37 C.F.R. 1.607

Request by applicant for interference with patent.

(a) *An applicant may seek to have an interference declared between an application and an unexpired patent by,*

- (1) *Identifying the patent,*
- (2) *Presenting a proposed count,*
- (3) *Identifying at least one claim in the patent corresponding to the proposed count,*
- (4) *Presenting at least one claim corresponding to the proposed count or identifying at least one claim already pending in its application that corresponds to the proposed*

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count, and, if any claim of the patent or application identified as corresponding to the proposed count does not correspond exactly to the proposed count, explaining why each such claim corresponds to the proposed count, and

(5) Applying the terms of any application claim,

(i) Identified as corresponding to the count, and

(ii) Not previously in the application to the disclosure of the application.

(6) Explaining how the requirements of 35 U.S.C. 135(b) are met, if the claim presented or identified under paragraph (a)(4) of this section was not present in the application until more than one year after the issue date of the patent.

(b) When an applicant seeks an interference with a patent, examination of the application, including any appeal to the Board, shall be conducted with special dispatch within the Patent and Trademark Office. The examiner shall determine whether there is interfering subject matter claimed in the application and the patent which is patentable to the applicant subject to a judgment in an interference. If the examiner determines that there is any interfering subject matter, an interference will be declared. If the examiner determines that there is no interfering subject matter, the examiner shall state the reasons why an interference is not being declared and otherwise act on the application.

(c) When an applicant presents a claim which corresponds exactly or substantially to a claim of a patent, the applicant shall identify the patent and the number of the patent claim, unless the claim is presented in response to a suggestion by the examiner. The examiner shall notify the Commissioner of any instance where an applicant fails to identify the patent. [emphasis added]

(d) A notice that an applicant is seeking to provoke an interference with a patent will be placed in the file of the patent and a copy of the notice will be sent to the patentee. The identity of the applicant will not be disclosed unless an interference is declared. If a final decision is made not to declare an interference, a notice to that effect will be placed in the patent file and will be sent to the patentee.

Again, at this time applicant has only made a generic statement as to how the proposed count claims correspond with the purported patents in the proposed Interference. (See paper No. 2, Preliminary Amendment to the application). Further, none of the count claims correspond exactly or substantially to any of the purported patents. Applicant has failed to provide the necessary correspondence between the count claims and the patents as set forth above in 37 C.F.R. 1.607(c). The examiner cannot see any correlation between the proposed count claims and the patents as generically set forth by applicant. Applicant is hereby required to provide a correspondence between each of the count claims and the purported patents that interfere.

Copied Claims from Patents

Claims **35-39** [Count #1] of this application have been copied by applicant from U.S. Patent No. **5,724,567, Rose et al.**

Claims **40-46** [Count #2] of this application have been copied by applicant from U.S. Patent No. **5,758,257, Herz et al.**

Claims **47-57 & 58-65** [Counts #3 & #4] of this application have been copied by applicant from U.S. Patent No. **5,754,939, Herz et al.**

Claims **66-91 & 92-100** [Counts # 5 & #6] of this application have been copied by applicant from U.S. Patent No. **5,798,785, Hendricks et al.**

Claims **101-107** [Count # 7] of this application have been copied by applicant from U.S. Patent No. **5,867,205, Harrison.**

Claims **108-112** [Count #8] of this application have been copied by applicant from U.S. Patent No. **5,867,118, McCoy et al.**

Claims **113-114** [Count #9] of this application have been copied by applicant from U.S. Patent No. **6,163,316, Killian.**

These claims are not patentable to the applicant because: See prior art rejection(s) set forth below. Therefore, an interference cannot be initiated since a prerequisite for interference under 37 CFR 1.606 is that the claim be patentable to the applicant subject to a judgment in the interference.

Claim Rejections - 35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent;

Claims 35-65 are rejected under 35 U.S.C. 102(a) as being anticipated by U.S. Patent 4,996,642, issued to **Hey**. [It should be noted that this patent is a Continuation-In-Part of U.S. Patent 4,870,579, issued to **Hey** set forth below].

Regarding claim 35,

An apparatus, comprising:

means for storing a plurality of content records (*see col. 1, lines 18-41*);

means for accessing the content records (*see col. 4, lines 36-48 and column 7, lines 21-57, Inventory Management System*);

means for storing a persistent user-specific profile (*see col. 4, lines 36-48*);

means for relating content records with a stored user profile (*see Fig. 3, col. 4, lines 63-68; col. 5, lines 1-59*);

means for presenting to the user the related content records (*see Fig. 1, display 22 and column 7, lines 21-57, Inventory Management System*);

means for receiving a user feedback on said relation (*see col. 5, lines 60-68; col. 6, lines 1-68; col. 7, lines 1-20*); and

means for updating the user profile based on said the feedback (*see col. 5, lines 60-68; col. 6, lines 1-68; col. 7, lines 1-20*).

Regarding claim 36,

The apparatus according to claim 35,

wherein said apparatus is an information access system for automatically presenting users with information items of interest (*see col. 1, lines 18-41*);

wherein said content records storing means comprises a computer system containing a database of information items available to be presented to users of the system (*see col. 1, lines 18-41*);

wherein said accessing means comprises at least one access device for enabling users to communicate with the computer system and access any of the items of available information (*see col. 4, lines 36-48*);

wherein said user profile storing means stores a user profile for each user having access to the available items of information (*see col. 4, lines 36-48*);

wherein said relating means comprises means for ranking a likely degree of interest for each of the available items of information in accordance with a user profile (*see Fig. 3, col. 4, lines 63-68; col. 5, lines 1-59*);

wherein said presenting means presents the items of information to an access device in order of ranking and enabling a user to retrieve each item (*see Fig. 1, display 22*);

wherein said feedback receiving means comprises means for enabling the user to indicate that user's interest in each retrieved item of information (*see col. 5, lines 60-68; col. 6, lines 1-68; col. 7, lines 1-20*); and

wherein said updating means comprises means for updating the user's profile in response to indications of interest provided by the user (*see col. 5, lines 60-68; col. 6, lines 1-68; col. 7, lines 1-20*).

Regarding claim 37,

The apparatus of claim 36, wherein said ranking means ranks the available items of information for a user on the basis of at least one attribute pertaining to each item of information (*see Fig. 3, col. 4, lines 63-68; col. 5, lines 1-59*).

Regarding claim 38,

The apparatus of claim 37, wherein said attribute is the contents of the item of information (*see Fig. 3, col. 4, lines 63-68; col. 5, lines 1-59*).

Regarding claim 39,

The apparatus of claim 36, wherein said ranking means produces a formula which predicts the interest of a user in an item of information on the basis of at least one of a user profile and an attribute related to that item of information (*see col. 5, lines 60-68; col. 6, lines 1-68; col. 7, lines 1-20*).

Regarding claim 40,

A method comprising:

storing a plurality of content records (*see col. 1, lines 18-41 and column 7, lines 21-57, Inventory Management System*);
storing a persistent user-specific profile (*see col. 4, lines 36-48*);
receiving a user request for content records (*see col. 4, lines 29-35*);
relating content records with a stored user profile (*see Fig. 3, col. 4, lines 63-68; col. 5, lines 1-59*); and
presenting to the user the related content records (*see Fig. 1, display 22 and column 7, lines 21-57, Inventory Management System*).

Regarding claim 41,

The method according to claim 40, for providing information to users of a computer system, wherein:

said content record storing step comprises storing items of information in an unstructured database within the computer system (*see col. 1, lines 18-41*);

said user profile storing step comprises determining and storing user profiles for users of the computer system who have access to the items of information (*see col. 4, lines 36-48*);

said receiving a request step comprises receiving a request from a user for access to the stored information (*see col. 4, lines 29-35*);

said relating step comprises determining a user's likely degree of interest in items of information stored in said database, in accordance with that user's profile, and ranking the items of information in accordance with their determined degrees of interest (*see Fig. 3, col. 4, lines 63-68; col. 5, lines 1-59*); and

said presenting step comprises displaying the items of information with an indication of their relative rankings (*see Fig. 1, display 22*).

Regarding claim 42,

The method of claim 41, wherein said items of information are displayed in order of their ranking (*see Fig. 1, display 22*).

Regarding claim 43,

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The method of claim 41, wherein the user profiles and the determined degree of interest in items of information are based upon at least one attribute associated with each item of information (*see col. 4, lines 36-48*).

Regarding claim 44,

The method of claim 43, wherein said attribute is the content of the item of information (*see Fig. 3, col. 4, lines 63-68; col. 5, lines 1-59*).

Regarding claim 45,

The method of claim 41, further including the steps of selecting an item of information from those which are displayed, providing an indication of the user's actual interest in the selected item of information, and storing the user's indicated interest (*see display 22, Fig. 1, memory 14*).

Regarding claim 46,

The method of claim 41, wherein the likely degree of interest is determined for all of the items of information stored in said database in response to receipt of a user's request for access (*see col. 4, lines 29-35*).

Regarding claim 47,

A method, comprising the steps of:

automatically generating a user-specific profile representing an interest summary based on a history of access to objects (*see col. 4, lines 36-48 and column 7, lines 21-57, Inventory Management System*); and

persistently storing the user profile in memory (*see Fig. 1, memory 14*).

Regarding claim 48,

The method of claim 47, for providing a user with access to selected ones of a plurality of target objects and sets of target object characteristics that are accessible via an electronic storage media, where said user is connected via user terminals and data communication connections to a target server system which accesses said electronic storage media, wherein (*see Fig. 3, col. 4, lines 63-68; col. 5, lines 1-59*):

said automatically generating step generates at least one user target profile interest summary for a user at a user terminal, each of said user target profile interest summary being indicative of ones of said target objects and sets of target object characteristics accessed by said user (*see Fig. 3, col. 4, lines 63-68; col. 5, lines 1-59*); and

said storing step stores said at least one user target profile interest summary in a memory (*see fig. 1, memory 14*).

Regarding claim 49,

The method of claim 48, further comprising the steps of:

enabling said user to access said plurality of target objects and sets of target object characteristics stored on said electronic storage media via said user target profile interest summaries (*see col. 1, lines 18-41*);

said step of enabling access comprising:

correlating said user target profile interest summaries, generated for said user, with target profiles generated for said plurality of target objects and sets of target object characteristics stored on said electronic storage media that are likely to be of interest to said user (*see Fig. 3, col. 4, lines 63-68; col. 5, lines 1-59*);

transmitting a list, that identifies at least one of said identified ones of said plurality of target objects and sets of target object characteristics, to said user (*see Fig. 1, display 22*); and

providing access to a selected one of said plurality of target objects and sets of target object characteristics stored on said electronic storage media in response to said user selecting an item from said list (*see column 7, lines 21-57, Inventory Management System*);

said step of providing access further comprising:

transmitting data, in response to said user activating said user terminal to identify said selected item on said list, indicative of said user's selection of said selected item from said user terminal to said target server via a one of said data communication connections (*see column 7, lines 21-57, Inventory Management System*);

retrieving, in response to receipt of said data from said user terminal, a one of a target object and set of target object characteristics identified by said selected item from said electronic storage media (*see column 7, lines 21-57, Inventory Management System*); and

transmitting said retrieved one of said target object and set of target object characteristics to said user terminal for display thereon to said user (*see column 7, lines 21-57, Inventory Management System*),

said step of automatically generating comprising:

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automatically updating said user target profile interest summary for said user as a function of said target objects and sets of target object characteristics retrieved by said user (*see Fig. 3, col. 4, lines 63-68; col. 5, lines 1-59*).

Regarding claim 50,

The method of claim 48, wherein said automatically generating step comprises:

creating a customer profile, said customer profile indicating a respective customer's preferences for data (*see col. 4, lines 36-48*);

monitoring a history of data objects accessed by the customer (*see Fig. 1, memory 14*); and

automatically updating the customer profile in accordance with the content profiles accessed by the customer to automatically update the customer profile to represent the customer's preferences (*see Fig. 3, col. 4, lines 63-68; col. 5, lines 1-59*).

Regarding claim 51,

The method of claim 47, wherein said method is for scheduling customer access to data from a plurality of data sources,

further comprising the steps of:

creating content profiles for each data source of said data, said content profiles indicating a degree of content of predetermined characteristics in data from each data source (*see col. 4, lines 36-48*);

said generating step comprises creating at least one customer profile for each eligible recipient of said data, said customer profile indicating a customer's preferences for data having predetermined characteristics (*see Fig. 3, col. 4, lines 63-68; col. 5, lines 1-59*);

monitoring which data sources are actually accessed by each recipient (*see Fig. 1, memory 14*); and

updating, without input from each customer, each customer profile in accordance with the content profiles of the data sources actually accessed by that customer to automatically update each customer's actual preferences for said predetermined characteristics (*see col. 5, lines 60-68; col. 6, lines 1-68; col. 7, lines 1-20*).

Regarding claim 52,

The method of claim 47, wherein said method is for scheduling customer access to video programs,

further comprising the steps of:

creating content profiles for each video program available for viewing, said content profiles indicating a degree of content of predetermined characteristics in each video program (*see col. 4, lines 36-48 and column 7, lines 21-57, Inventory Management System*);

creating at least one customer profile for each customer of said video programs, said customer profile indicating a customer's preferences for predetermined characteristics of the video programs (*see col. 4, lines 36-48 and column 7, lines 21-57, Inventory Management System*);

monitoring which video programs are actually viewed by each customer (*see col. 5, lines 60-68; col. 6, lines 1-68; col. 7, lines 1-20*); and

updating, without input from each customer, each customer profile in accordance with the content profiles of the video programs actually viewed by that customer to automatically update each customer's actual preferences for said predetermined characteristics (*see col. 5, lines 60-68; col. 6, lines 1-68; col. 7, lines 1-20*).

Regarding claim 53,

The method of claim 52, comprising the further steps of receiving customer identity information and determining from said identity information which customer profile to update in said updating step (*see col. 4, lines 36-48 and col. 5, lines 60-68; col. 6, lines 1-68; col. 7, lines 1-20*).

Regarding claim 54,

The method of claim 47, wherein said method is for scheduling customer access to data from a plurality of data sources, further comprising the steps of:

creating a customer profile for each customer of said plurality of data sources, said customer profile indicating a customer's preferences for predetermined characteristics of the data sources (*see col. 4, lines 36-48*);

monitoring which data sources are actually accessed by each customer (*see col. 5, lines 60-68; col. 6, lines 1-68; col. 7, lines 1-20 and column 7, lines 21-57, Inventory Management System*); and

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updating each customer profile to reflect a frequency of selection of the data sources by customers with customer profiles substantially similar to said each customer profile (*see col. 5, lines 60-68; col. 6, lines 1-68; col. 7, lines 1-20*).

Regarding claim 55,

An apparatus, comprising:

means for automatically generating a user-specific profile representing an interest summary based on a history of access to objects (*see col. 4, lines 36-48 and column 7, lines 21-57, Inventory Management System*); and

a memory for persistently storing the user profile (*see Fig. 1, memory 14*).

Regarding claim 56,

The apparatus according to claim 55, for providing a user with access to selected ones of a plurality of target objects and sets of target object characteristics that are accessible via an electronic storage media, where said user is connected via user terminals and data communication connections to a target server system which accesses said electronic storage media (*see Fig. 3, col. 4, lines 63-68; col. 5, lines 1-59 and column 7, lines 21-57, Inventory Management System*), comprising:

means for automatically generating at least one user target profile interest summary for a user at a user terminal, each of said user target profile interest summaries being indicative of ones of said target objects and sets of target object characteristics accessed by said user (*see Fig. 3, col. 4, lines 63-68; col. 5, lines 1-59 and column 7, lines 21-57, Inventory Management System*); and

means for storing said at least one user target profile interest summary in a memory (*see Fig. 1, memory 14*).

Regarding claim 57,

The apparatus of claim 56, further comprising

means for enabling said user to access said plurality of target objects and sets of target object characteristics stored on said electronic storage media via said user target profile interest summaries (*see col. 4, lines 36-48 and column 7, lines 21-57, Inventory Management System*);

said means for enabling access comprising:

means for correlating said user target profile interest summaries, generated for said user, with target profiles generated for said plurality of target objects and sets of target object

characteristics stored on said electronic storage media that are likely to be of interest to said user (*see Fig. 3, col. 4, lines 63-68; col. 5, lines 1-59 and column 7, lines 21-57, Inventory Management System*);

means for transmitting a list, that identifies at least one of said identified ones of said plurality of target objects and sets of target object characteristics, to said user (*see Fig. 1, display 22 and column 7, lines 21-57, Inventory Management System*); and

means for providing access to a selected one of said plurality of target objects and sets of target object characteristics stored on said electronic storage media in response to said user selecting an item from said list (*see column 7, lines 21-57, Inventory Management System*);

said means for providing access comprising:

means for transmitting data, in response to said user activating said user terminal to identify said selected item on said list, indicative of said user's selection of said selected item from said user terminal to said target server via a one of said data communication connections(*see column 7, lines 21-57, Inventory Management System*);

means for retrieving, in response to receipt of said data from said user terminal, a one of a target object and set of target object characteristics identified by said selected item from said electronic storage media (*see column 7, lines 21-57, Inventory Management System*); and

means for transmitting said retrieved one of said target object and set of target object characteristics to said user terminal for display thereon to said user (*see column 7, lines 21-57, Inventory Management System*),

said means for automatically generating comprising:

means for automatically updating said user target profile interest summary for said user as a function of said target objects and sets of target object characteristics retrieved by said user (*see col. 5, lines 60-68; col. 6, lines 1-68; col. 7, lines 1-20*).

Regarding claim 58,

A system, comprising:

a persistent customer profile, said customer profile indicating a respective customer's preferences for data (*see col. 4, lines 36-48*);

means for monitoring a history of data objects accessed by the customer (*see col. 5, lines 60-68; col. 6, lines 1-68; col. 7, lines 1-20*); and

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means for automatically updating the customer profile in accordance with the content profiles accessed by the customer to automatically update the customer profile to represent the customer's preferences (*see Fig. 3, col. 4, lines 63-68; col. 5, lines 1-59*).

Regarding claim 59,

The system according to claim 58, for scheduling customer access to data from a plurality of data sources, further comprising:

content profiles for each data source of said data, said content profiles indicating a degree of content of predetermined characteristics in data from each data source (*see col. 4, lines 36-48*);

wherein:

at least one customer profile for each eligible recipient of said data is provided, said customer profile indicating a customer's preferences for data having predetermined characteristics (*see col. 4, lines 36-48*);

said monitoring means monitors which data sources are actually accessed by each recipient (*see col. 5, lines 60-68; col. 6, lines 1-68; col. 7, lines 1-20*); and

said updating means updates, without input from each customer, each customer profile in accordance with the content profiles of the data sources actually accessed by that customer to automatically update each customer's actual preferences for said predetermined characteristics (*see Fig. 3, col. 4, lines 63-68; col. 5, lines 1-59*).

Regarding claim 60,

The system according to claim 58, for scheduling customer access to video programs received from a video head end, further comprising:

content profiles for each video program available for viewing, said content profiles indicating a degree of content of predetermined characteristics in each video program (*see col. 4, lines 36-48 and column 7, lines 21-57, Inventory Management System*);

wherein:

at least one customer profile for each customer of said video programs is provided, said customer profile indicating a customer's preferences for predetermined characteristics of the video programs (*see col. 4, lines 36-48*);

said means for monitoring monitors which video programs are actually viewed by each customer (*see col. 5, lines 60-68; col. 6, lines 1-68; col. 7, lines 1-20*); and

said means for updating updates, without input from each customer, each customer profile in accordance with the content profiles of the video programs actually viewed by that customer to automatically update each customer's actual preferences for said predetermined characteristics (*see col. 5, lines 60-68; col. 6, lines 1-68; col. 7, lines 1-20*).

Regarding claim 61,

The system as in claim 60, further comprising:

means for transmitting said content profiles to each customer along with electronic program guide data for upcoming television viewing periods (*see col. 4, lines 36-48*).

Regarding claim 62,

The system as in claim 60, further comprising means for inputting customer identity information and for determining from said customer identity information which customer profile to update with said updating means (*see col. 5, lines 60-68; col. 6, lines 1-68; col. 7, lines 1-20*).

Regarding claim 63,

The system according to claim 60, for scheduling customer access to data provided by a plurality of data sources, further comprising:

means for creating a customer profile for each customer of said plurality of data sources, said customer profile indicating a customer's preferences for predetermined characteristics of the data sources (*see col. 4, lines 36-48*);

said monitoring means monitors which data sources are actually accessed by each customer (*see col. 5, lines 60-68; col. 6, lines 1-68; col. 7, lines 1-20*); and

said updating means updates each customer profile to reflect a frequency of selection of the data sources by customers with customer profiles substantially similar to said each customer profile (*see col. 5, lines 60-68; col. 6, lines 1-68; col. 7, lines 1-20*).

Regarding claim 64,

The system according to claim 58, being a multimedia terminal for receiving data from a plurality of data sources, further comprising:

means for storing at least one customer profile indicating a customer's preferences for data having predetermined characteristics (*see col. 4, lines 36-48*);

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means for storing content profiles for each data source of said data, said content profiles indicating a degree of content of said predetermined characteristics in data from each data source (*see col. 4, lines 36-48 and column 7, lines 21-57, Inventory Management System*);

means for inputting recipient identity information;

means for selecting different customer profiles which correspond to said recipient identity information in accordance with the time of day and day of the week;

processing means for relating said selected customer profiles with the content profiles for the data available from each data source to the customer at a particular time and for determining a subset of data having content profiles which most closely match said selected customer profile (*see col. 5, lines 60-68; col. 6, lines 1-68; col. 7, lines 1-20 and column 7, lines 21-57, Inventory Management System*); and

a display guide for presenting said subset of data to said customer for selection (*see Fig. 1, display 22*).

Regarding claim 65,

The system as in claim 64, further comprising means for storing an electronic program guide, wherein said display guide highlights programs within said electronic program guide which correspond to said subset of data (*see Fig. 1, display 22 and column 7, lines 21-57, Inventory Management System*).

Response to Arguments

Applicant's arguments filed on June 8, 2004 have been fully considered but they are not persuasive.

Applicant is requested to review the entire patent to Hey ('642), namely column 7, lines 21-57, wherein an Inventory Management System is integrated into the recommendation system. Thus the arguments presented fail to persuade the examiner in the application of the prior art to the instant claims, that Hey's system provides only recommendations. The examiner has taken a broad reasonable interpretation of the claim language as to how the patent to Hey is applied. It should be noted that Hey does not limit his recommendation system to one single type of "content". Hey's recommendation system can be applied to books, movies, television programs,

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hotels, or other consumer items, see column 7, lines 6-10). Therefore the examiner is maintaining his position with respect to the instant claims.

Correspondence Information

14. Any inquiries concerning this communication or earlier communications from the examiner should be directed to **Emauel Todd Voeltz** who may be reached via telephone at **(703) 305-4563**. The examiner can normally be reached Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. eastern standard time.

If you need to send an Official facsimile transmission, please send it to **(703) 872-9306**.

If you would like to send a Non-Official (draft) facsimile transmission the fax is **(703) 746-5104**. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, **Anthony Knight**, may be reached at **(703) 308-3179**.

Any response to this office action should be mailed too: **Director of Patents and Trademarks Washington, D.C. 20231**.

Moreover, hand-delivered responses should be delivered to the Receptionist, located on the **fourth floor of Crystal Park 11, 2121 Crystal Drive Arlington, Virginia**.

SPECIAL NOTE (After October 14, 2004)

Any inquiries concerning this communication or earlier communications from the examiner should be directed to **Emanuel Todd Voeltz** who may be reached via telephone at **(571) 272-3692**. The examiner can normally be reached Monday through Friday between the hours of 8:00 a.m. and 4:00 p.m. eastern standard time.

If you need to send an Official facsimile transmission, please send it to **(703) 872-9306**. If you would like to send a Non-Official (draft) facsimile transmission the fax is **(703) 746-5104**. If attempts to

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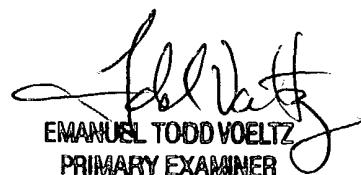
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reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, **Anthony Knight**, may be reached at **(571) 272-3687**.

Any response to this office action should be mailed to: **Director of Patents and Trademarks Washington, D.C. 20231**.

Moreover, hand-delivered responses should be delivered to the Receptionist, located on the **fourth floor of Crystal Park 11, 2121 Crystal Drive Arlington, Virginia.**

Emanuel Todd Voeltz
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Art Unit 2121
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Patent & Trademark Office



EMANUEL TODD VOELTZ
PRIMARY EXAMINER